

11CV 6999

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	DEFENDANTS
Hans L. Cartensen III, Nader F. Dareshori, and Peter P. Jenkins (Appellants)	Bernard L. Madoff Investment Securities, LLC (Appellee)
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)
Ropes & Gray LLP, Prudential Tower, 800 Boylston Street, Boston, MA 02199-3600, 617-951-7000	Christopher G. Green, James A. Wright, Andrew G. Devore

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a)(1): appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned See attachment

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE		
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	<input type="checkbox"/> 410 ANTI-TRUST		
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 BANKS & BANKING		
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PERSONAL INJURY	DRUG RELATED	28 USC 157	<input type="checkbox"/> 450 COMMERCE		
<input type="checkbox"/> 140 NEGOTIABLE	SLANDER	PRODUCT LIABILITY	SEIZURE OF		<input type="checkbox"/> 460 DEPORTATION		
INSTRUMENT	<input type="checkbox"/> 330 FEDERAL	ASBESTOS PERSONAL	PROPERTY	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 470 RACKETEER INFLU-		
<input type="checkbox"/> 150 RECOVERY OF	EMPLOYERS'	INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 820 COPYRIGHTS	ENCED & CORRUPT		
OVERPAYMENT &	LIABILITY	LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 830 PATENT	ORGANIZATION ACT		
ENFORCEMENT OF	<input type="checkbox"/> 340 MARINE	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 840 TRADEMARK	(RICO)		
JUDGMENT	<input type="checkbox"/> 345 MARINE PRODUCT		<input type="checkbox"/> 660 OCCUPATIONAL		<input type="checkbox"/> 480 CONSUMER CREDIT		
<input type="checkbox"/> 151 MEDICARE ACT	LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 690 OTHER	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 490 CABLE/SATELLITE TV		
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING		<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 SELECTIVE SERVICE		
DEFAULTED	<input type="checkbox"/> 355 MOTOR VEHICLE	OTHER PERSONAL	<b>LABOR</b>	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 850 SECURITIES/		
STUDENT LOANS	PRODUCT LIABILITY	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	COMMODITIES/		
(EXCL VETERANS)	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	STANDARDS ACT	<input type="checkbox"/> 864 SSID TITLE XVI	EXCHANGE		
<input type="checkbox"/> 153 RECOVERY OF	INJURY		RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 875 CUSTOMER		
OVERPAYMENT OF			<input type="checkbox"/> 730 LABOR/MGMT		CHALLENGE		
VETERAN'S BENEFITS			REPORTING &	<b>FEDERAL TAX SUITS</b>	12 USC 3410		
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<b>ACTIONS UNDER STATUTES</b>		DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 890 OTHER STATUTORY		
<input type="checkbox"/> 190 OTHER CONTRACT	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 740 RAILWAY LABOR ACT	Defendant)	ACTIONS		
<input type="checkbox"/> 195 CONTRACT PRODUCT	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 891 AGRICULTURAL ACTS		
LIABILITY	<input type="checkbox"/> 442 EMPLOYMENT	VACATE SENTENCE	LITIGATION	26 USC 7609	<input type="checkbox"/> 892 ECONOMIC		
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 443 HOUSING/	20 USC 2255	<input type="checkbox"/> 791 EMPL RET INC		STABILIZATION ACT		
	ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	SECURITY ACT		<input type="checkbox"/> 893 ENVIRONMENTAL		
<b>REAL PROPERTY</b>	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY	<b>IMMIGRATION</b>		MATTERS		
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 462 NATURALIZATION		<input type="checkbox"/> 894 ENERGY		
<input type="checkbox"/> 220 FORECLOSURE	DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS	APPLICATION		ALLOCATION ACT		
<input type="checkbox"/> 230 RENT LEASE &	EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION	HABEAS CORPUS-		INFORMATION ACT		
EJECTMENT	<input type="checkbox"/> 446 AMERICANS WITH		ALIEN DETAINEE		UNDER EQUAL ACCESS		
<input type="checkbox"/> 240 TORTS TO LAND	DISABILITIES -OTHER		OTHER IMMIGRATION		TO JUSTICE		
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS		ACTIONS		<input type="checkbox"/> 900 APPEAL OF FEE		
LIABILITY					DETERMINATION		
<input type="checkbox"/> 290 ALL OTHER					UNDER EQUAL ACCESS		
REAL PROPERTY					TO JUSTICE		
					<input type="checkbox"/> 950 CONSTITUTIONALITY		
					OF STATE STATUTES		

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	<input type="checkbox"/>	<input type="checkbox"/>	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/>	<input type="checkbox"/>	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	<input type="checkbox"/>	<input type="checkbox"/>
CITIZEN OF ANOTHER STATE	<input type="checkbox"/>	<input type="checkbox"/>	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/>	<input type="checkbox"/>	FOREIGN NATION	<input type="checkbox"/>	<input type="checkbox"/>

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Attorneys for Appellants:

Christopher G. Green  
James A. Wright  
Andrew G. Devore  
Ropes & Gray LLP  
Prudential Tower  
800 Boylston Street  
Boston, MA 02199-3600

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
Baker & Hostetler, LLP  
45 Rockefeller Plaza  
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  
(DO NOT check either box if this a PRISONER PETITION.)

☐ WHITE PLAINS ☒ MANHATTAN

DATE 9/6/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO ☒ YES (DATE ADMITTED Mo. May Yr. 2005)  
Attorney Bar Code # 4357059

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)